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By ECF

August 14, 2019

Hon. Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Belfiore v. The Procter & Gamble Company*, 14 Civ. 4090
(JBW) (RML)**

Dear Judge Weinstein:

I write on behalf of Defendant The Procter & Gamble Company (“P&G”) regarding the recent evidentiary hearing in this matter. During the hearing on Thursday, August 8, P&G’s expert Dr. Carol Scott testified that she had previously offered expert opinions in two cases involving the use of hedonic regression. The Court then requested copies of those two decisions. *See* Aug. 8, 2019 Hr’g Tr. at 475-76. Pursuant to the Court’s request, I am attaching copies of those decisions and any subsequent appellate opinions:

- **Exhibit A:** *Brazil v. Dole Packaged Foods, LLC*, No. 12-cv-01831, 2014 WL 5794873, at *14 (N.D. Cal. Nov. 6, 2014) (decertifying damages class because plaintiff’s “proposed [hedonic regression] damages model fails to provide a means of showing damages on a classwide basis through common proof”).
- **Exhibit B:** *Brazil v. Dole Packaged Foods, LLC*, 660 Fed. App’x 531, 535 (9th Cir. Sep. 30, 2016) (affirming district court’s order decertifying the damages class).
- **Exhibit C:** *Bruton v. Gerber Products Co.*, No. 12-cv-02412, 2018 WL 1009257, at *9-12 (N.D. Cal. Feb. 13, 2018) (denying class certification given flaws in plaintiff’s proposed hedonic regression damages model). It does not appear the *Bruton* decision was appealed.

Respectfully submitted,

COVINGTON & BURLING LLP

/s/ Cortlin H. Lannin
Cortlin H. Lannin

Counsel for Defendant

cc: Counsel of record (via ECF)